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By: **Delegate McHale**  
Introduced and read first time: January 27, 2003  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 4, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations - Medical Review Committees**

3 FOR the purpose of expanding the category of medical review committees to include a  
4 certain center designated by the Maryland Health Commission; providing for  
5 the termination of this Act under certain circumstances; and generally relating  
6 to medical review committees.

7 BY repealing and reenacting, with amendments,  
8 Article - Health Occupations  
9 Section 1-401  
10 Annotated Code of Maryland  
11 (2000 Replacement Volume and 2002 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Health Occupations**

15 1-401.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) "Alternative health care system" means a system of health care  
18 delivery other than a hospital or related institution.

19 (ii) "Alternative health care system" includes:

20 1. A health maintenance organization;



1 institution, or alternative health care system, if the governing board of the hospital,  
2 related institution, or alternative health care system forms and approves the  
3 committee or approves the written bylaws under which the committee operates;

4 (6) A committee or individual designated by the holder of a pharmacy  
5 permit, as defined in § 12-101 of this article, that performs the functions listed in  
6 subsection (c) of this section, as part of a pharmacy's ongoing quality assurance  
7 program;

8 (7) Any person, including a professional standard review organization,  
9 who contracts with an agency of this State or of the federal government to perform  
10 any of the functions listed in subsection (c) of this section;

11 (8) Any person who contracts with a provider of health care to perform  
12 any of those functions listed in subsection (c) of this section that are limited to the  
13 review of services provided by the provider of health care;

14 (9) An organization, established by the Maryland Hospital Association,  
15 Inc. and the Faculty, that contracts with a hospital, related institution, or alternative  
16 delivery system to:

17 (i) Assist in performing the functions listed in subsection (c) of this  
18 section; or

19 (ii) Assist a hospital in meeting the requirements of § 19-319(e) of  
20 the Health - General Article;

21 (10) A committee appointed by or established in an accredited health  
22 occupations school;

23 (11) An organization described under § 14-501 of this article that  
24 contracts with a hospital, related institution, or health maintenance organization to:

25 (i) Assist in performing the functions listed in subsection (c) of this  
26 section; or

27 (ii) Assist a health maintenance organization in meeting the  
28 requirements of Title 19, Subtitle 7 of the Health - General Article, the National  
29 Committee for Quality Assurance (NCQA), or any other applicable credentialing law  
30 or regulation;

31 (12) An accrediting organization as defined in § 14-501 of this article;  
32 [or]

33 (13) A Mortality Review Committee established under § 5-801 of the  
34 Health - General Article; OR

35 (14) A CENTER DESIGNATED BY THE MARYLAND HEALTH CARE  
36 COMMISSION AS THE MARYLAND PATIENT SAFETY CENTER THAT PERFORMS THE  
37 FUNCTIONS LISTED IN SUBSECTION (C)(1) OF THIS SECTION.

1 (c) For purposes of this section, a medical review committee:

2 (1) Evaluates and seeks to improve the quality of health care provided by  
3 providers of health care;

4 (2) Evaluates the need for and the level of performance of health care  
5 provided by providers of health care;

6 (3) Evaluates the qualifications, competence, and performance of  
7 providers of health care; or

8 (4) Evaluates and acts on matters that relate to the discipline of any  
9 provider of health care.

10 (d) (1) Except as otherwise provided in this section, the proceedings,  
11 records, and files of a medical review committee are not discoverable and are not  
12 admissible in evidence in any civil action.

13 (2) The proceedings, records, and files of a medical review committee are  
14 confidential and are not discoverable and are not admissible in evidence in any civil  
15 action arising out of matters that are being reviewed and evaluated by the medical  
16 review committee if requested by the following:

17 (i) The Department of Health and Mental Hygiene to ensure  
18 compliance with the provisions of § 19-319 of the Health - General Article;

19 (ii) A health maintenance organization to ensure compliance with  
20 the provisions of Title 19, Subtitle 7 of the Health - General Article and applicable  
21 regulations;

22 (iii) A health maintenance organization to ensure compliance with  
23 the National Committee for Quality Assurance (NCQA) credentialing requirements;  
24 or

25 (iv) An accrediting organization to ensure compliance with  
26 accreditation requirements or the procedures and policies of the accrediting  
27 organization.

28 (3) If the proceedings, records, and files of a medical review committee  
29 are requested by any person from any of the entities in paragraph (2) of this  
30 subsection:

31 (i) The person shall give the medical review committee notice by  
32 certified mail of the nature of the request and the medical review committee shall be  
33 granted a protective order preventing the release of its proceedings, records, and files;  
34 and

35 (ii) The entities listed in paragraph (2) of this subsection may not  
36 release any of the proceedings, records, and files of the medical review committee.

1 (e) Subsection (d)(1) of this section does not apply to:

2 (1) A civil action brought by a party to the proceedings of the medical  
3 review committee who claims to be aggrieved by the decision of the medical review  
4 committee; or

5 (2) Any record or document that is considered by the medical review  
6 committee and that otherwise would be subject to discovery and introduction into  
7 evidence in a civil trial.

8 (f) (1) A person shall have the immunity from liability described under §  
9 5-637 of the Courts and Judicial Proceedings Article for any action as a member of  
10 the medical review committee or for giving information to, participating in, or  
11 contributing to the function of the medical review committee.

12 (2) A contribution to the function of a medical review committee includes  
13 any statement by any person, regardless of whether it is a direct communication with  
14 the medical review committee, that is made within the context of the person's  
15 employment or is made to a person with a professional interest in the functions of a  
16 medical review committee and is intended to lead to redress of a matter within the  
17 scope of a medical review committee's functions.

18 (g) Notwithstanding this section, §§ 14-410 and 14-412 of this article apply  
19 to:

20 (1) The Board of Physician Quality Assurance; and

21 (2) Any other entity, to the extent that it is acting in an investigatory  
22 capacity for the Board of Physician Quality Assurance.

23 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
24 ~~October 1, 2003.~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 July 1, 2003. At the end of June 30, 2005, unless a center has been designated by the  
27 Maryland Health Care Commission as the Maryland Patient Safety Center, with no  
28 further action required by the General Assembly, this Act shall be abrogated and of no  
29 further force and effect.